

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE - EASTERN DIVISION**

**TYRONE HAYES JR.,**

**Plaintiff,**

**v.**

**ACTS 2:38 FAITH DELIVERANCE,  
INC., CHURCH OF JESUS CHRIST  
OF THE APOSTOLIC d/b/a FAITH  
DELIVERANCE APOSTOLIC  
CHURCH; FIRST APOSTOLIC  
COUNCIL OF KENTUCKY AND  
TENNESSEE; PENTECOSTAL  
ASSEMBLIES OF THE WORLD INC.;  
DENARD WILLIAMS; and RANDALL  
HOOKER,**

**Defendants.**

**CIVIL ACTION NO. 1:23-cv-01116  
JUDGE ANDERSON**

**12 PERSON JURY DEMAND**

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**PLAINTIFF’S MOTION FOR DEFAULT AGAINST DEFENDANT RANDALL  
HOOKER**

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Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiff Tyrone Hayes Jr. respectfully requests the Clerk of Court enter default against **Defendant Randall Hooker** (hereinafter “Defendant Hooker”).<sup>1</sup>

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<sup>1</sup> Although Defendants Pentecostal Assemblies of the World Inc. and First Apostolic Council of Kentucky and Tennessee have not yet filed responses to Plaintiffs’ Complaint, Plaintiff has been in contact with counsel for both and a voluntary dismissal is forthcoming for both. As such, Plaintiff is **not** requesting default be entered against Pentecostal Assemblies of the World Inc. and First Apostolic Council of Kentucky and Tennessee.

### **LEGAL STANDARD**

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Fed. R. Civ. P. 55(a).

### **FACTS**

Here, Plaintiff filed his Complaint against Defendant Randall Hooker, among others, on June 15, 2023. (Docket No. 1). Plaintiff sent out waivers of service to all Defendants in early August 2023. When Defendant Randall Hooker did not return the waiver of service, Plaintiff executed service of process on Defendant Hooker at his home on September 7, 2023. (Docket No. 11). Based on the **September 7, 2023**, service of summons and complaint, Defendant Hooker had until **September 28, 2023**, to file a responsive pleading.

On **September 28, 2023**, counsel for Defendant Acts 2:38 Faith Deliverance, Inc., Church of Jesus Christ of the Apostolic (hereinafter “Faith Deliverance”) communicated with Plaintiff’s counsel that Defendant Randall Hooker had not yet obtained counsel and requested an extension on his behalf. That same day, Plaintiff’s counsel agreed to a fifteen-day extension for Defendant Hooker to respond to the Complaint.

Fifteen days from the September 28, 2023, original deadline would require Defendant Hooker to file a responsive pleading by Friday, **October 13, 2023**. It has now been two weeks past the extended deadline and no responsive pleading has been filed, nor has counsel for Defendant Hooker reached out to Plaintiff’s counsel to request additional time. As such, Defendant Hooker has “failed to plead or otherwise defend” this lawsuit and default is warranted. Fed. R. Civ. P. 55(a).

**CONCLUSION**

Because Defendant Hooker has failed to plead or otherwise defend the Complaint filed against him within the law's required time, Plaintiff respectfully requests default be entered against Defendant Randall Hooker. After default is entered, Plaintiff will move for default judgment.

Respectfully submitted,

HB ADVOCATES PLLC

/s/ Hayley H. Baker

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2023, a copy of the foregoing was served via the Court's ECF system on the following:

Dean P. Dedmon  
W. Lewis Jenkins Jr.  
Electronic mail: ddedmon@lexverum.com  
Electronic mail: ljenkins@lexverum.com  
Jenkins|Dedmon Law Group LLP  
426 Troy Avenue, P.O. Box 846  
Dyersburg, TN 38025-0846  
Tel. 731.259.6100 / Fax 731.259.6099

I hereby certify that a copy of the foregoing was served via US mail on:

Defendant Randall Hooker  
315 Village St.  
Dyersburg, TN 38024

/s/ Hayley H. Baker